

Message Text

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ORIGIN EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 PM-05
NSC-05 SP-02 SS-15 TRSE-00 OMB-01 /064 R

DRAFTED BY EB/OA/AN:WARILEY;PAH
APPROVED BY EB/OA:MHSTYLES
EUR/EE:GBOUTIN
-----048139 141225Z /45
R 140125Z JUN 78
FM SECSTATE WASHDC
TO AMEMBASSY WARSAW

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E.O. 11652: N/A

TAGS: EAIR, PL

SUBJECT:CIVAIR: EXCHANGE OF DIPLOMATIC NOTES

REF: STATE 124197

1. AS AGREED AT RECENT US-POLAND CONSULTATIONS NOTES
MUST BE EXCHANGED TO IMPLIMENT UNDERSTANDINGS OUT-
LINED IN REFTEL.

2. IT IS DESIRABLE GIVEN SHORT DURATION OF THIS AGREE-
MENT TO COMPLETE EXCHANGE OF NOTES QUICKLY AND
CLEANLY. EMBASSY REQUESTED TO ARRANGE TO TRANSMIT
DIPLOMATIC NOTE INCORPORATING THE FOLLOWING TEXT
TO GOP IN SUCH FASHION AS TO RECEIVE THEIR REPLY
ON THE SAME DAY IF POSSIBLE.

BEGIN TEXT:
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A. TO REFER TO RECENT DISCUSSIONS BETWEEN REPRESENTATIVES
OF OUR TWO GOVERNMENTS WITH REGARD TO THE CONCLUSION
OF APPROPRIATE ARRANGEMENTS FOR THE PROVISION OF
SCHEDULED AND NONSCHEDULED AIR SERVICES BY THE
AIRLINES OF BOTH COUNTRIES THROUGH THE END OF THIS

YEAR. THESE REPRESENTATIVES RECOMMENDED THAT DIPLOMATIC NOTES BE EXCHANGED TO BRING INTO EFFECT THE FOLLOWING UNDERSTANDINGS AND AMENDMENTS OF THE US-POLAND AIR TRANSPORT AGREEMENT OF 1973 AS AMENDED BY AN EXCHANGE OF NOTES DATED AUGUST 26, 1976:

1. NOTWITHSTANDING NUMBERED PARAGRAPH 2 (B) OF THE EXCHANGE OF NOTES DATED AUGUST 26, 1976, THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC GUARANTEES THAT SALES FOR POLISH CURRENCY BY THE POLISH DESIGNATED AIRLINE AND OTHER POLISH ORGANIZATIONS IN COUNTRIES OTHER THAN THE UNITED STATES OF SCHEDULED AIR TRANSPORTATION OF PASSENGERS, ACCOMPANYING BAGGAGE, CARGO, AND MAIL WHICH ARE CARRIED ON ALL SERVICES OF THE DESIGNATED AIRLINE OF THE UNITED STATES WILL NOT BE LESS THAN THE EQUIVALENT OF \$4.5 MILLION, EXCLUDING COMMISSIONS, DURING 1978. THE POLISH DESIGNATED AIRLINE WILL PROVIDE THE UNITED STATES DESIGNATED AIRLINE WITH CURRENT INFORMATION ON A MONTHLY BASIS REGARDING THE STATUS OF THE FOREGOING SALES GUARANTEE IN ORDER TO ASSURE ITS FULL ATTAINMENT.

2. NOTWITHSTANDING NUMBERED PARAGRAPH 3 (A) OF THE EXCHANGE OF NOTES DATED AUGUST 26, 1976, THE DESIGNATED AIRLINE OF THE UNITED STATES MAY OPERATE SEVEN NARROW-BODIED ROUNDTRIP FREQUENCIES PER WEEK LIMITED OFFICIAL USE

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DURING THE PERIOD MAY 15, 1978-DECEMBER 31, 1978. THESE FREQUENCIES MAY OPERATE BETWEEN THE UNITED STATES

AND WARSAW VIA VIENNA, WITHOUT LOCAL TRAFFIC RIGHTS BETWEEN VIENNA AND WARSAW BUT WITH THE RIGHT TO CARRY STOPOVER TRAFFIC.

3. THE UNITED STATES AUTHORITIES WILL APPROVE THE OPERATION OF 38 ONE-WAY EXTRA SECTION FLIGHTS BETWEEN NEW YORK AND WARSAW DURING THE PERIOD MAY 14, 1978-DECEMBER 31, 1978.

4. THE DATES SPECIFIED IN NUMBERED PARAGRAPH 5

OF THE EXCHANGE OF NOTES DATED AUGUST 26, 1976, ARE AMENDED TO READ "OCTOBER 31, 1978" AND "DECEMBER 31, 1978", RESPECTIVELY.

5. THE DELEGATIONS NOTED THAT THE POLISH AUTHORITIES DID NOT PROVIDE THE NECESSARY FACILITIES FOR THE

OPERATION OF WIDE-BODIED AIRCRAFT AT WARSAW AIRPORT

IN 1978, AS PROVIDED IN THE EXCHANGE OF NOTES DATED
AUGUST 26, 1976. THE POLISH DELEGATION EXPRESSED

ITS INTENTION TO ACHIEVE THIS OBJECTIVE IN 1979.

6. NOTWITHSTANDING PARAGRAPHS G AND H OF ARTICLE
10 OF THE AIR TRANSPORT AGREEMENT, NEITHER PARTY
MAY PREVENT THE INAUGURATION OR THE CONTINUATION
OF BUDGET, APEX, OR STANDBY AIR FARES, EXCEPT WITH
RESPECT TO TRAFFIC ORIGINATING IN ITS OWN TERRITORY
ON A ONE-WAY OR ROUNDTRIP BASIS.

7. THE POLISH DESIGNATED AIRLINE WILL CONTINUE
TO APPOINT THE UNITED STATES DESIGNATED AIRLINE AS
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ITS GROUND HANDLING AGENT AT AIRPORTS IN THE UNITED
STATES FOR ITS SCHEDULED AND CHARTER SERVICES WHERE
THE UNITED STATES DESIGNATED AIRLINE HAS GROUND
HANDLING FACILITIES AVAILABLE.

8. AIRPORT GROUND HANDLING SERVICES IN POLAND
WILL BE PROVIDED TO UNITED STATES AIRLINES, BOTH

SCHEDULED AND SUPPLEMENTAL, WITHOUT DISCRIMINATION
AND ON A BASIS NO LESS FAVORABLE THAN THAT PROVIDED
FOR THE POLISH AIRLINE.

9. EACH PARTY WILL, DURING THE PERIOD OF
EFFECTIVENESS OF THE AIR TRANSPORT AGREEMENT, ALLOW
THE AIRLINE OR AIRLINES, BOTH SCHEDULED AND SUPPLEMENTAL,
OF THE OTHER PARTY TO OPERATE PASSENGER AND CARGO
CHARTER AIR SERVICES BETWEEN THE TWO COUNTRIES, INCLUDING
SERVICES WITH STOPS IN THIRD COUNTRIES, (A) WITHOUT
LIMITATIONS ON VOLUME, FREQUENCY, OR REGULARITY OF
SERVICE; AND (B) WITHOUT THE REQUIREMENTS FOR PRIOR
APPROVAL OF INDIVIDUAL FLIGHTS OR SERIES OF FLIGHTS.

NO
INDIVIDUAL PASSENGER CHARTER FLIGHT MAY BE OPERATED
WITH MORE THAN 252 PASSENGERS ON BOARD. THE CHARTER-
WORTHINESS OF FLIGHTS WILL BE DETERMINED BY THE RULES
OF THE COUNTRY IN WHICH THE TRAFFIC ORIGINATES.
PRICES WILL BE ESTABLISHED BY CHARTERERS UNDER THE
SURVEILLANCE OF THE COUNTRY OF TRAFFIC ORIGIN.

THESE AMENDMENTS AND ARRANGEMENTS ARE ACCEPTABLE
TO THE UNITED STATES GOVERNMENT. IF THESE AMENDMENTS
AND ARRANGEMENTS ARE ALSO ACCEPTABLE TO YOUR GOVERNMENT,

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I HAVE THE HONOR TO PROPOSE THAT THIS NOTE AND YOUR
REPLY TO THAT EFFECT CONSTITUTE AN AGREEMENT BETWEEN
OUR TWO GOVERNMENTS WHICH SHALL ENTER INTO FORCE
ON THE DATE OF YOUR REPLY." END TEXT CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, DIPLOMATIC NOTES
Control Number: n/a
Copy: SINGLE
Draft Date: 14 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE150414
Document Source: CORE
Document Unique ID: 00
Drafter: WARILEY;PAH
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780248-0422
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780660/aaaabzka.tel
Line Count: 179
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: be663289-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 STATE 124197
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2355558
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: EXCHANGE OF DIPLOMATIC NOTES
TAGS: EAIR, PL
To: WARSAW
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/be663289-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014